

### III. REMARKS

Claims 23, 24, 28, 30-37 and 40-44 are pending in the subject application and stand rejected under various provisions of 35 U.S.C. Claims 23, 28, 35, and 41 have been amended. Claim 23 (in part) claim 28, 40, 41 and 44 have been amended to correct grammatical and typographical errors. Particular support for the amendment to claim 23 and 28 which further describes the relationship between and among the segments is found on line 35 of page 20 through line 9 of page 10. Support for the amendments to claims 40 and 44 is found on page 18, lines 25 to 29. Claim 35 has been amended to depend on claim 23. Support for the amendment to claim 35 is found on page 13, lines 26 to 35.

The above noted amendments to the claims are made without prejudice or disclaimer and are not intended to be a dedication to the public the subject matter of the claim or its equivalents as filed or previously amended. Applicant reserves the right to pursue the claims as originally filed and further amended in a later filed continuation application.

The amendments to the claims do not raise an issue of new matter and entry thereof is respectfully requested. In view of the remarks which follow, reconsideration and withdrawal of the objection to the disclosure and rejections of the claims is respectfully requested.

### Objections to the Disclosure

The Office object to the disclosure for informalities present in claims 28 and 41. The amendments made herein correct the noted informalities. Accordingly, in view of these amendments, reconsideration and withdrawal of the objections is respectfully requested.

### 35 U.S.C. § 112, Second Paragraph

Claims 23, 24, 40, 41 and 44 stand rejected under 35 U.S.C. § 112, second paragraph for allegedly being vague and indefinite. The claims have been amended in a sincere effort

to remove the grounds for rejection. In view of these amendments, reconsideration and withdrawal of the rejections is respectfully requested.

35 U.S.C. § 102/§ 103

Claims 23, 24, 28, 30-37 and 40-44 remain rejected under 35 U.S.C. § 102 as allegedly anticipated by Silvestrini, U.S. Patent No. 5,300,118 (the '118 Patent). The Office noted that Figures 11A and 11A; column 2, lines 13-15; column 3, lines 60-68; column 6, lines 47-50 and 58-60; and column 10, lines 14-27 and 38-42, as being of particular relevance. Claims 35 to 37 are newly rejected under 35 U.S.C. § 103 as allegedly obvious in view of Civerchia et al., U.S. Patent No. WO 88/02622.

Applicant respectfully traverses and directs the Examiner to page 20, line 30 to page 22, line 8 of the specification which describes the embodiments shown in Figures 16A and 16B. Independent claims 23 and 28 have been amended in a sincere effort to describe in words the distinctions easily seen upon a comparison of the embodiment of Figures 16 A and 16 B to Figures 11A and 11B of the '118 Patent. The ring of the '118 Patent is not disclosed to contain a plurality of adjoining sections wherein the cross-sectional areas of the adjoining sections change substantially stepwise from one section to an adjoining section. The '118 Patent shows a ring having adjoining sections which differ in cross-section from each other, but not in a stepwise fashion. Indeed, figures 11A and 11B of the '118 Patent show a system comprising two notched inserts of differing heights which are later aligned to the desired height, after implantation in order to achieve the desired thickness. After insertion and alignment, the 2 rings are locked in place by any appropriate means such as the use of sutures, adhesives, pins, etc. (See col. 10, lines 14 to 26 of the '118 Patent). In contrast to the present invention, the sections of this invention are not notched and locked into place after implantation. Rather it is a single ring or segment system wherein the sections adjoining the section which has the proper corrective diameter are removed after implantation into the eye. (See page 21, lines 20 to 26 of the specification). Reconsideration and withdrawal of this rejection is respectfully requested.

The addition of the Civerchia et al. disclosure fails to shore up the deficiencies present in the '118 Patent. Accordingly, the combination of the '118 Patent in combination with the teachings of Civerchia et al. fail to teach or suggest the invention of claims 35 to 37, which now depend upon claim 23. Removal of the rejection under 35 U.S.C. § 103 is respectfully requested.

### III. CONCLUSION .

No fee, other than the fee for the three month extension of time, is deemed necessary in connection with the filing of this reply. However, if the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-2518**, referencing billing number 7004204001. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account. Should a telephone interview advance prosecution of the subject application, the Examiner is invited to contact the undersigned at (650) 849-4950.

Respectfully submitted,

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